



**Safe
Communities**

REQUEST FOR GRANT PROPOSALS

HIGHWAY SAFETY GRANT PROGRAM

**Federal Fiscal Year 2007
(October 1, 2006 - September 30, 2007)**

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION**

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Request For Proposals

Request for Proposal Ad

REQUEST FOR PROPOSAL

The State Department of Transportation invites all parties that wish to apply for Federal Traffic Safety Grants in Federal Fiscal Year 2007 to submit a proposal by June 15, 2006, 4:30 p.m. There will be approximately \$1 million in Federal funds available for traffic safety projects.

The Department will reserve a certain amount of funds to be distributed as \$2,000 mini-grants for Safe Community Coalitions.

Meetings to discuss the Federal and State priorities for proposals and how to apply for these funds are scheduled throughout the state. Safe Community Coalitions, County and State Agencies, and others are encouraged to attend this meeting.

The meetings will be held on:

May 2, 2006

Lihue Civic Center Moikeha Bldg.

Liquor Control Commission Conference Room

1 p.m. to 2 p.m.

May 3, 2006

Maui Community College

Laulima Building, Room 225

11 a.m. to 12 noon

May 4, 2006

HWYS Hawaii District -Hilo

Training Room

12 noon to 1:00 p.m.

May 8, 2006

Kona International Airport

Training Room

11 a.m. to 12 noon

May 9, 2006

Aliiimoku Hale (DOT Bldg.)

5th Floor Conference Room

11 a.m. to 12 noon

For more information about the traffic safety grant program, call the Department of Transportation at 808-587-5686.

Copies of the RFP are available from the Highway Safety Staff at 869 Punchbowl Street, Room 405, Honolulu, HI 96813. To request special accommodations, please call Margie Kazama, Highway Safety Staff, at 808-587-5686.

Introduction

The Hawaii Department of Transportation (HDOT) is soliciting proposals for federal highway traffic safety grants for Federal Fiscal Year 2007.

Interested parties are invited to attend an information meeting to discuss the Federal and State priorities for FFY 2007 grants and how to apply for the funds.

There will be approximately \$1 million in federal funds available for highway safety projects. The Department will reserve a certain amount of funds to be distributed as \$2,000 mini-grants for Safe Community Coalitions.

Schedule of Events

The schedule set forth below represents the HDOT's best estimate of the schedule that will be followed. If a component of this schedule is delayed, the rest of the schedule will likely be adjusted by the same number of days.

- ◆ Informational meetings for anyone interested in applying for a federal highway safety grant for FFY 2007 are scheduled as follows:

May 2, 2006	Lihue Civic Center Moikeha Bldg., Liquor Control Commission Conference Room, 1 p.m.
May 3, 2006	Maui Community College, Laulima Building, Room 225, 11 a.m.
May 4, 2006	HWYS Hawaii District -Hilo, Training Room, 12 noon
May 8, 2006	Kona International Airport, Training Room, 11 a.m.
May 9, 2006	Aliiimoku Bldg., 5 th Floor Conference Room, 11 a.m.
- ◆ **June 15, 2006 Due Date for Proposals**
- ◆ July 14, 2006 Review and prioritization of county proposals by County Traffic Safety Councils
- ◆ July 27, 2006 (Est.) Review and Prioritization of statewide proposals by Governor's Highway Safety Council
- ◆ August 15, 2006 (Est.) Recommendations to Director of Transportation for approval
- ◆ September 1, 2006 Highway Safety Plan due to NHTSA
- ◆ October 2, 2006 (Est.) Award letters to grantees
- ◆ October 24, 2006 Mandatory meeting for new grantees

Background

The Governors of all states are mandated by federal law 23 U.S.C. 402 to establish and implement a statewide highway safety program. Hawaii Revised Statutes (HRS) delegates this authority to the Director of Transportation as the Governor's Highway Safety Representative. HRS also establishes a Governor's Highway Safety Council to advise the Governor on highway safety issues and establishes a County Traffic Safety Council in each county to advise the Mayor on highway safety matters.

To assist states in carrying out the highway safety program, Congress provides annual grants for highway safety programs designed to reduce traffic crashes and resulting deaths, injuries, and property damage. A state may use these grant funds only for highway safety purposes; at least 40% of these funds are to be used to address local traffic safety problems.

Sections 2001 and 2002 of SAFETEA-LU reauthorize the State and Community Highway Safety Formula Grant Program (Section 402 of Chapter 4 of Title 23) to support State highway safety programs. In addition, there are incentive grants to states that meet certain requirements, including Sections 405, 406, 408, 410, 2010 and 2011. Descriptions of these grants may be found in the Appendix. The grants support planning to identify and quantify highway safety problems, provide start up "seed" money for new programs, and give new direction to existing safety programs. The funds are intended to catalyze innovative programs at the state and local level, and leverage commitments of state, local, and private resources.

Hawaii expects to receive an estimated \$1,000,000 in highway safety grants in Federal Fiscal Year 2007, October 1, 2006 to September 30, 2007.

Federal Grant Process

Federal Funding

The allocation of federal funds to the state depends on the appropriation by Congress and the spending authority set by the Secretary of Transportation. All grants made by the Director of Transportation are subject to the availability of federal funds.

Grant Proposals

The Department of Transportation requests and receives proposals from the community and government agencies annually on programs or projects that they believe will help solve traffic safety problems in Hawaii. The proposals are reviewed and prioritized by the Traffic Safety Councils in each county and by the Governor's Highway Safety Council based on federal and state priorities. The final determination on all awards is made by the Director of Transportation.

Grant Awards

Grantees will receive written notification of the status of their proposal. All awards are subject to the availability of federal funds, and should not be considered binding until a Project Authorization Form has been executed.

Orientation Meeting for New Grantees

All new grantees receiving a federal grant are required to attend an orientation meeting which will describe the grant implementation process, how to submit requests for reimbursements, project monitoring, and reporting requirements. The meeting is tentatively scheduled on Oahu for October 24,

2006 and grantees should budget for this meeting in the budget section of their proposal.

Application for Highway Safety Project Reimbursement Grant

Approved proposals require that a grantee complete an application for a Highway Safety Project Reimbursement Grant. When the grant application has been received and approved, and the funding level determined, a copy of the entire grant application along with the agreement and an authorization to proceed will be sent to the applicant.

Monitoring

All grants will be monitored at least once a year for compliance with all federal and state requirements and project objectives.

Project Reimbursement

A highway safety project expenditure report and reimbursement request will be required for all projects on either a monthly or quarterly basis.

Reporting Requirements

A quarterly report on the status of project activities is due quarterly on January 15, April 15 and July 15. An annual report is due no later than October 31. Photographs of project activities should be included with the reports.

Federal Traffic Safety Priorities

The following are the federal priority program areas. All of these program areas have been identified as encompassing a major traffic safety problem that is of national concern, and for which effective countermeasures have been identified. The national program area descriptions and guidelines are as follows. The national priority areas are general guidelines that identify areas of concern in traffic safety. They do not provide a rating of which area is of most importance.

- ◆ **Alcohol and Other Drug Countermeasures:** To remove alcohol and other drug-impaired drivers from the roads.
- ◆ **Emergency Medical Services:** To ensure appropriate treatment through a coordinated system of emergency medical care for persons injured in highway crashes.
- ◆ **Motorcycle Safety:** To increase use of motorcycle helmets, conduct rider education programs, improve licensing and reduce the incidence of impaired driving.
- ◆ **Occupant Protection:** To increase safety belt and child safety seat use and promote the benefits of automatic protection devices, such as air bags.
- ◆ **Pedestrian & Bicycle Safety:** To increase safety awareness and skills among drivers, pedestrians and bicyclists.
- ◆ **Police Traffic Services:** To enforce and encourage compliance with seat belt use, impaired driving, speed limit and other traffic laws.
- ◆ **Roadway Safety:** To improve the roadway environment with special emphasis on the identification and surveillance of the location of traffic collisions; to evaluate highway design,

construction and maintenance; and to provide traffic engineering services.

- ◆ **Speed Control:** Through education and enforcement assure drivers travel at safe speeds and comply with posted speed limits.
- ◆ **Traffic Records:** To support record systems that aid in identifying existing and emerging traffic safety problems and evaluate program performance.

State Traffic Safety Priorities

The State of Hawaii has developed the following traffic safety priorities based on data from traffic collisions in the state. Statistical data on each area is available in the Appendix. The priorities reflect the number of injuries and deaths in each area.

HIGHEST PRIORITY

These have been identified as the most critical problem areas in traffic safety in Hawaii and grants to selected projects in these areas will receive priority:

- Programs to reduce excessive speeding by persons ages 16-25
- Programs to reduce pedestrian injuries and fatalities
- Programs to increase the use of seat belts for persons 16-35 years
- Programs to reduce motorcycle crashes
- Programs to enforce traffic laws in the areas of speed, occupant protection and alcohol
- Programs to reduce the number of repeat driving while intoxicated violations

LOWER PRIORITY

If federal monies are available after the highest priority projects have been funded, projects in the following areas will be considered:

- Programs to involve businesses in traffic safety programs
- Programs to increase use of child safety seats (including booster)
- Programs to reduce bicycle injuries and fatalities
- Equipment requests by Emergency Medical Services

Proposal Content

All proposals are to be on the RFP Form in the Appendix.

Problem Statement

Fill in the traffic safety area that this proposal is addressing (i.e., Pedestrians, Motorcycle Crashes, Speeding, Occupant Protection, Speeding, Enforcement). Please provide short description on specifics of intended project.

Solution Statement

Propose your solution to the identified area of traffic safety concern. Indicate how your proposal will help reduce fatalities or injuries. List the goals and specific objectives of your proposal. Do not restate the problem or provide statistics. List any previous funding of this project and the source of funds.

Indicate community efforts in achieving objectives.

Evaluation

Describe how you plan to evaluate the effectiveness of this project. Since the number of fatalities is low, it is difficult to use fatal data to determine effectiveness; however, project objectives can be used to evaluate effectiveness. For example, in the case of occupant protection, indicators such as increasing the seat belt usage rates, or for seat belt enforcement, the number of citations issued over the previous year, can be used. Also provide information on the cost/benefit ratio (i.e., how do the benefits of the project outweigh the expenditures) and discuss the potential of the project becoming self-sustaining after this funding period. **For on-going projects, please complete the attached evaluation form as part of your submittal.** Please keep evaluation sheet to one page.

Budget

Itemize the cost breakdown (i.e., salary, equipment, travel, office supplies, etc. needed to implement this proposal).

Submission of Proposals

Procedures

Submit the proposal to: Highway Safety Staff
Department of Transportation
869 Punchbowl Street, Room 405
Honolulu, Hawaii 96813

Deadline for Receiving Proposals for FFY 2007: June 15, 2006, 4:30 p.m.

Proposal Evaluation and Selection Process

All proposals will be reviewed by evaluation committees from the state and counties. All proposals affecting a County will be reviewed and prioritized by the County Traffic Safety Council in that county. After the county has prioritized the proposals, all proposals will be reviewed and re-prioritized by the Governor's Highway Safety Council on a statewide basis.

The Governor's Highway Safety Council will make recommendations to the Director of Transportation on the projects to be funded. The Director of Transportation has the final authority to approve grants.

The evaluation criteria may include:

1. Magnitude of the problem being addressed.
2. Innovative approach to the problem.
3. Measures of effectiveness of the program.
4. Potential for the program to become self-sustaining.
5. Community input into solution.

A grant may be awarded on the basis of initial proposals received without discussion. Therefore, each proposal should contain the proposer's best terms from a creative, technical and cost/price standpoint.

The County Traffic Safety Councils, Governor's Highway Safety Council and the Director of Transportation may also contact a proposer on less than 72 hours notice for the purposes of clarification

to assure full understanding of, and responsiveness to, the RFP requirements, and to facilitate arriving at a grant program.

HDOT reserves the right to reject any or all proposals, to undertake discussions with more proposers, and to accept the proposals, or modified proposals, which, in its judgment, will be the most advantageous to the State, cost and price and other evaluating factors considered. HDOT reserves the right to reject any specific proposal which is conditional or not prepared in accordance with the instructions and requirements of the RFP. HDOT reserves the right to waive any defects in any proposal.

The selection will be made by the Director of Transportation whose decisions will be final. HDOT anticipates all selections to be made by August 15, 2006 (estimated date).

Notification of Grant

HDOT shall notify each proposer in writing of its decision to select or reject the proposal.

Award of Grant

No grant will be awarded until a grantee has completed an application for a Federal Highway Safety Project Reimbursement Grant. When the grant application has been received and approved, and the funding level determined, a copy of the entire grant application along with the agreement and an authorization to proceed will be sent to the applicant.

Cancellation of Grant

HDOT reserves the right to cancel the award of this grant, for any reason at any time before the agreement is fully executed and approved. The grant may also be canceled at any time for violation of federal or state law governing the grant, or failure to implement the grant on a timely basis.

Monitoring and Reporting

All grants will be monitored at least once a year for compliance with all federal and state requirements and project objectives.

A quarterly report on the status of project activities is due quarterly on January 15, April 15 and July 15. An annual report is due no later than October 31. Photographs of project activities should be included with the reports.

Method of Payment

All payments will be on a reimbursable basis. Proposer must submit a Highway Safety Project Expenditure Report and Reimbursement Request. Requests for reimbursement may be made on either a monthly or quarterly basis.

After review of grantees request, a reimbursement request will be made with NHTSA. Upon transfer of funds to HDOT from NHTSA, the grantee will be sent a check to cover reported expenses.

Grant Information and Contact Persons

For further information , please contact:

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Appendix



HIGHWAY SAFETY PROGRAM REQUEST FOR PROPOSAL FORM

Name of Agency/Group _____

Address _____

City _____ Zip _____

Contact _____ Phone _____

PROBLEM STATEMENT

Priority Area: _____

Description: (If additional space is needed, please continue on a separate sheet and attach it to this form.)

SOLUTION

Briefly describe the solution to the problem including community efforts (List tasks that will be accomplished with the funding of this project).

State Goals and Objectives of Project.

State previous funding of the project and by whom.

EVALUATION

Describe the plan to evaluate effectiveness of project.

What is cost-ratio benefit of project?

What is potential of project becoming self-sustaining?

BUDGET

Describe all costs associated with the project:

Personnel		
Equipment (List)		
Materials (List)		
Others		
Total		

Note: This is an RFP and not a project application; therefore, the RFP is limited to two to three pages. Please be precise and to the point.

ON-GOING PROJECT EVALUATION SHEET

Please answer the following and keep evaluation to one sheet:

I. How long has project been funded?

II. Please state project goals/objectives.

III. Please provide data to show what project has accomplished both for the past year and total number of years accomplishments.

IV. Other benefits derived from project not related to goals/objectives.

V. Please discuss why project should be continued.

Traffic Data

Data in this book has been compiled using county, state and federal information from police crash reports, county motor vehicle and driver licensing agencies, U.S. Census information, insurance records, and the Fatality Analysis Reporting System (FARS).

The data includes information in the areas of Impaired Driving, Occupant Protection, Speed, Youthful Drivers, Pedestrians, Bicycles, Motorcycles, Commercial Motor Vehicles and Work Zones.

HDOT also publishes an annual report on Major Traffic Accidents, State of Hawaii that includes greater detail on highway crashes in Hawaii. This may be obtained from the Highways Division Traffic Branch or on the HDOT website at: www.state.hi.us/dot/publicaffairs

The National Highway Traffic Safety Administration also provides crash data in its Fatal Accident Reporting System (FARS). You may find this data on its web site at: www.nhtsa.gov

Hawaii at a Glance 2004

Population	1,262,840
Vehicles Miles Traveled	9,734,600,000
Licensed Drivers with Valid Driver's Licenses	843,876
Registered Vehicles	1,100,646
Automobiles	867,120
Motorcycles	22,945
Trailers	28,435
Traffic Crashes	N/A
Fatal	128
Injuries	N/A
Property Damage Only	N/A
People Involved	N/A
Fatalities	142
Injuries	N/A
Fatalities	142
Fatality Rate	1.46
Alcohol Involved	60
Percent Alcohol Involved	42.3%
Pedestrian	31
Motorcycle	20
Moped	1
Bicycle	7
Passenger	29
Driver	54
Not Stated	0

Hawaii at a Glance 2004- continued

Age of Fatalities	
Under 5	1
5-9	0
10-14	2
15-19	18
20-24	17
25-29	14
30-34	18
35-39	9
40-44	12
45-49	6
50-54	14
55-59	5
60-64	2
65-69	4
70-74	5
75-over	14

2004 Hawaii Fatal Traffic Crashes Facts

The 142 traffic fatalities in 2004 is a 6.8% increase from 2003.

The 128 fatal traffic crashes in 2004 is an 11.3% increase from 2003.

The record high of 205 traffic deaths was recorded in 1979.

Of the Pedestrian fatalities:

- 31, or 21.8% of the 142 fatalities were pedestrians.
- 77.4% of the pedestrian fatalities occurred on Oahu and 12.9% of the pedestrian fatalities occurred on Maui.
- Of the 31 pedestrians killed, 12% or 38.7% were 65 years or older.
- 75% or 9 of the pedestrian fatalities (65 and over) occurred on Oahu.
- 25.8% of the pedestrian fatalities occurred between the hours of 5:00 am and 8:59 am, another 22.6% of the pedestrian fatalities occurred between the hours of 2:00 pm and 4:59 pm, and another 22.6% of the pedestrian fatalities occurred between the hours of 9:00 pm and 10:59 pm.

Of the Motorcycle fatalities:

- Motorcyclist fatalities increased from 19 to 21, or 10.5%.
- One of the 21 fatalities involved moped operators.
- 13 of the 21 motorcyclists / moped operators, or 61.9% were not wearing helmets

2004 Hawaii Fatal Traffic Crashes Facts - continued

Of the 142 traffic deaths:

- 99 fatalities, or 69.7% of the fatalities were males and 43 or 30.3% were females.
- 60 or 42.3% were killed in alcohol-related traffic crashes.
 - 50 or 83.3% of those killed in alcohol-related traffic crashes were males.
- 22 or 53.7% of the Big Island's (Hawaii County) traffic fatalities and 11 or 52.4% of Maui's traffic fatalities were alcohol-related.
- 32 or 22.5% of the State's traffic crash fatalities were between the ages of 25 and 34 years old.
 - 25 or 78.1% of those killed were males between the ages of 25 and 34.
- 35 or 24.6% of the State's traffic crash fatalities were between the ages of 15 and 24 years old.
 - 27 or 77.1% of those killed were males between the ages of 15 and 24.
 - 20 or 48.8% of the 41 male fatalities driving motor vehicles were between the ages of 15 and 29 years old.

Of the 128 fatal traffic crashes:

- 41 or 32% of the 128 fatal crashes involved collisions with a fixed object.
- Alcohol was involved in 51, or 39.8% of the 128 fatal crashes.
- 31 of the 128 (24.2%) fatal crashes and 18 of the 51 (35.3%) alcohol-related fatal crashes occurred between 6:00 pm. Friday to 6:00 am. Sunday.
- 37 of the 128 (28.9%) fatal crashes and 24 of the 51 (47.1%) alcohol-related fatal crashes occurred during the six-hour period of 9:00 pm to 2:59 am.

10-Year Statistics

Hawaii Summary of Traffic Demographics and Fatalities, 1995-2004

Year	Population*	Licensed Drivers+	Registered Vehicles+	Vehicle Miles Traveled (Million)*	Traffic Fatalities**	Fatality Rate**	Alcohol Involved Fatalities**	Percent Alcohol Involved **
1995	1,196,854	732,508	901,291	7,944.1	130	1.6	65	50%
1996	1,203,755	733,486	907,770	8,005.9	148	1.8	68	46%
1997	1,211,640	738,865	906,964	8,003.0	131	1.7	59	45%
1998	1,215,233	746,329	915,753	8,090.2	120	1.5	59	49%
1999	1,210,300	752,693	929,477	8,215.5	98	1.2	44	45%
2000	1,212,281	769,383	964,738	8,525.7	132	1.5	55	42%
2001	1,224,398	787,820	992,560	8,142.2	140	1.6	60	43%
2002	1,224,898	814,668	1,013,594	8,937.3	119	1.3	45	38%
2003	1,257,608	834,188	1,057,625	9,325.0	133	1.4	71	53%
2004	1,262,840	843,876	1,100,646	9,734.6	142	1.5	60	42%

% Change

1995-2004	+6%	+15%	+22%	+23%	+9%	-.1%	-8%	-8%
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U.S. Summary of Traffic Demographics and Fatalities, 1995-2004***

Year	Population* (Thousands)	Licensed Drivers+ (Thousands)	Registered Vehicles+ (Thousands)	Vehicle Miles Traveled* (Billions)	Traffic Fatalities**	Fatality Rate**	Alcohol Involved Fatalities**	Percent Alcohol Involved**
1995	262,803	176,628	197,065	2,423	41,817	1.7	17,732	42
1996	265,229	179,539	201,631	2,486	42,065	1.7	17,749	42
1997	267,784	182,709	203,568	2,562	42,013	1.6	16,711	40
1998	270,248	184,980	208,076	2,632	41,501	1.6	16,673	40
1999	272,691	187,170	212,685	2,691	41,717	1.6	16,572	40
2000	282,224	190,625	217,028	2,747	41,945	1.5	17,380	41
2001	285,318	191,276	221,230	2,781	42,196	1.5	17,400	41
2002	288,369	194,296	225,685	2,830	42,815	1.5	17,524	41
2003	290,789	196,166	230,633	2,880	42,643	1.5	17,013	40
2004	293,655	198,889	237,961	2,963	42,636	1.44	16,694	39

*State Data Book

**Source: Fatality Analysis Reporting System (FARS)

***Source: Bureau of Transportation Statistics 2001

+City & County of Honolulu

Societal Cost

According to the Federal Highway Administration, the societal cost for every fatality is approximately \$3 million dollars. In 2004 Hawaii had 142 fatalities; therefore, the societal cost for Hawaii was approximately \$426 million dollars.

Alcohol And Other Drugs

Impaired driving continues to be a problem in Hawaii. Of the 142 traffic fatalities for 2004, 42% were alcohol-related. The goal for 2006 is to reduce the number of DUI-related fatalities and injuries through a “52/12 – You Drink & Drive, You Lose” enforcement and media campaign. As part of the “52/12” enforcement program, county police departments have, at a minimum, one sobriety checkpoint to every week of the year, which means 52 weeks of enforcement during the 12-month federal fiscal year. Additional sobriety checkpoints will be established during major holiday periods

Impaired Driving in Hawaii, 2000-2004

	2000	2001	2002	2003	2004
Fatalities	131	140	119	133	142
Alcohol-Involved Fatalities	55	60	45	71	60
% Alcohol-Involved Fatalities	42%	43%	38%	53.4%	42.3%
DUI Arrests	3,961	3,610	3,937	4,325	5,126

Source: FARS

Occupant Protection

Hawaii's seat belt usage rate increased from 95.2% to 95.3%, the highest in the nation. However, only 38.5% of the people killed in 2004 were using seat belt and/or harnesses.

The goal for Hawaii is to increase front seat occupant protection usage from 95.3% to 97% by 2007 and increase the percentage of fatalities using restraints to 55%. Hawaii also hopes to increase child safety seat usage for infants from 93.4% to 98% and child safety seat usage for toddlers from 73.5% to 94%.

Occupant Protection In Hawaii, 2000-2005

	2000	2001	2002	2003	2004	2005
Seat Belt Use Rate (Observational Study)	80.4%	83.5%	90.4%	91.8%	95.1%	95.3%
Child Safety Seat Usage (Observational Study)						
Infants	89.8%	81.8%	90.9%	95.4%	97.1%	93.4%
Toddlers	45.9%	34.8%	59.5%	62.2%	82.5%	73.5%
Restraint Use in Motor Vehicle Fatalities	35.6%	37.6%	39.7%	48.2%	38.5%	N/A
No. Not Using Occupant Protection in Fatal Crash by Age						
Under 17	3	2	5	1	2	N/A
17-20	9	8	7	11	7	N/A
21-24	8	3	3	10	7	N/A
25-34	13	9	4	7	11	N/A
35-44	5	8	5	6	6	N/A
45-54	5	7	1	1	2	N/A
55-64	1	5	2	1	3	N/A
65-74	1	1	0	2	2	N/A
75+	0	0	4	0	0	N/A
Citations Issued for Failure to Use Occupant Protection						
Driver	24,331	17,866	26,996	26,467	20,623	N/A
Child	1,809	1,247	1,178	1,125	952	N/A

Pedestrians

In 2004, 31 pedestrians were killed by motor vehicles, which accounted for 21.8% of Hawaii's traffic fatalities. Of the 31 pedestrians killed, 12 or 38.7% were more than 65 years old. The majority of pedestrian fatalities occurred on Oahu (77.4%) followed by Maui (12.9%). The goal for pedestrian safety in 2006 is to reduce the (5 year average from 1999-2004) number of pedestrian fatalities from 24 to 23.

Pedestrians in Hawaii, 2000-2004

	2000	2001	2002	2003	2004
Persons Killed	31	30	33	23	31

Pedestrian Fatalities by Age, 2004	
0-14	0
15-24	4
25-34	5
35-44	3
45-54	5
55-64	1
65-74	3
75+	9
Total	31

Speed

Excessive speed continues to be a major contributing circumstance in fatal crashes in Hawaii, resulting in 67 fatalities in 2004. The state's goal for 2006 is to reduce the number of speed-related fatalities from 69 to 60.

Speed on Hawaii Highways, 2000-2004

	2000	2001	2002	2003	2004
Crashes Involving Excessive Speed	29	27	29	55	55
Fatalities	38	32	31	69	67
Speeding Citations*	33,175	31,684	31,684	44,394	39,013

*Information provided by local police departments

FATAL CRASHES CONTRIBUTING CIRCUMSTANCES					
	1999	2000	2001	2002	2003
Excessive Speed	20	29	36	30	36
Disregard Controls	4	4	4	2	1
Failure to Yield	12	8	10	13	10
Wrong Way/Direction	0	4	1	0	0
Crossed Center Line	7	10	13	8	9
Improper Turn	0	0	0	3	1
Improper Overtaking	3	0	2	1	1
Followed too Close	0	1	4	1	0
Other	10	14	2	8	16
None	18	18	23	26	26
Not Stated	14	26	36	22	16

Youthful Drivers

Drivers under the age of 19 continue to be involved in fatal and injury crashes at nearly twice the rate of the population as a whole. In 2003, there were 4 fatalities for drivers (ages 15-18) and 1 fatal for passengers (ages 15-18). The goal for 2005 for youthful drivers/passengers is to reduce the number of traffic-related fatalities from 4 to 3 (2004 data is not available).

Youthful Drivers on Hawaii's Highways, 1999-2003

	1999	2000	2001	2002	2003
<i>Involvement in Crashes:</i>					
Vehicle Drivers Under 19 Involved in Crashes	1,528	1,609	1,400	1,293	1,316
Motorcycle Drivers Under 19 Involved in Crashes	18	28	15	20	18
Moped Drivers Under 19 Involved in Crashes	37	44	55	37	36
Bicyclists 15-18 Involved in Crashes	14	15	15	18	N/A
Drivers 15-18 Involved in Traffic Fatal	11	13	8	4*	4*
Passengers 15-18 Involved in Traffic Fatal	19	12	5	6*	1*
Pedestrians 15-18 Involved in Traffic Crashes	26	35	35	43	156
Pedestrians 15-18 Involved in Traffic Fatal	1	0	1	1*	0*
Percent of Total Drivers Killed in Crashes	9.1	9.8	9.0	3.2	8*
Drivers 15-18 Involved in Alcohol Related Traffic Crashes	40	40	38	37	62
Drivers 15-18 Involved in Fatal Alcohol Related Traffic Crashes	1	2	1	0	2*

*Source: FARS

Bicycle Safety

Seven bicyclists were killed in 2004 in traffic crashes. The goal for 2006 is to reduce bicycle fatalities from 7 to 3.

Bicycles on Hawaii's Roadways, 2000-2004

	2000	2001	2002	2003	2004
Bicyclists Killed	1	7	4*	6*	7*
Bicycle Helmet Use Rate Bicyclist	22.2%	25.4%	20.2%	35%	29.6%
Moped Helmet Use Rate Driver	9.9%	8.4%	10.1%	8.1%	20.5%

*Source: FARS

Motorcycle Safety

Twenty motorcyclists were killed in 2004 in traffic crashes, of which 12 were not wearing a helmet. The state's goals for motorcycle safety in 2006 are to reduce the (5 year average from 1997-2001) number of motorcycle-related fatalities from 15 to 13, and to increase the percentage of helmeted riders from 41% (3 year average, 1999-2001) to 45%.

Motorcycles on Hawaii's Roadways, 2000-2004

	2000	2001	2002	2003	2004
Total Motorcycle Involved Crashes	416	438	455	N/A	N/A
Fatal No. of Crashes	15	14	23	14	21
Injury Crashes	387	390	407	N/A	N/A
Property Damage Only	14	34	27	N/A	N/A
Helmet Used	124	92	9	N/A	8
Helmet/Shield Used	42	71	71	N/A	N/A
Motorcycle Registrations	17,661	19,286	20,427	N/A	N/A
Helmet Use Observation Study					
Rider Helmeted	40%	37.8%	43.9%	43.5%	52.1%
Passenger Helmeted	23%	29.8%	29.3%	42.3%	31.8%

Commercial Motor Vehicles

In 2003, there were 194 crashes involving commercial motor vehicles. Of these, 4 involved large trucks. These resulted in 4 fatalities from large truck crashes. Hawaii has 7,630 motor carriers with a crash rate of .02 per million miles traveled. The goal for 2005 is to decrease the number of commercial motor vehicle-related crashed from 4 to 2 (2004 data is not available).

Commercial Motor Vehicles on Hawaii Highways, 1999-2003

	1999	2000	2001	2002	2003
Crashes	180	179	202	149	194
Fatal	2	6	12	7	4
Injury	185	193	165	116	164
Property Damage	89	166	191	105	190
Large Truck Fatalities	2	2	9	7	4
Large Truck Injuries	90	88	79	56	66
Large Truck Total Crashes	143	91	107	104	95
Number of Motor Carriers	6,712	6,772	7,438	7,550	7,630
Crashes Per Million Miles	.018	.005	.025	.024	.020
Transit Buses	37	54	58	46	54

Work Zones

Hawaii has averaged more than one death a year in work zones. Work zones are defined as an area identified by advance signing where road construction, repair or maintenance work is being done by highway workers on or adjacent to a highway, regardless of whether highway workers are actually present. Work zone crashes are determined by location only; motor vehicle crashes that occur in the vicinity of roadway construction workers or designated work zone areas.

The goal for 2005 is to reduce the number of work zone-related crashes from 140 to 120 (2004 data is not available).

Work Zones in Hawaii, 1999-2003

	1999	2000	2001	2002	2003
Total Crashes	178	209	140	140	138
Fatal Accidents	2	2	3	3	2
Injury Only Accidents	147	126	85	76	128

State and Community Highway Safety Grants

Section 402: State Highway Safety Programs

Program Purpose

Sections 2001 and 2002 of SAFETEA-LU reauthorize the State and Community Highway Safety Formula Grant Program (Section 402 of Chapter 4 of Title 23) to support state highway safety programs, designed to reduce traffic crashes and resulting deaths, injuries and property damage. A state may use these grant funds only for traffic safety purposes; at least 40 percent of these funds are to be used to address local traffic safety problems.

Eligibility

A state is eligible for these formula grants by submitting a Performance Plan, which establishes goals and performance measures to improve highway safety in the State, and a Highway Safety Plan, which describes activities to achieve those goals. SAFETEA-LU amends Section 402 to require assurances from States that they will implement activities in support of national highway safety goals, including national law enforcement mobilizations; sustained enforcement of statutes addressing impaired driving, occupant protection, and speed; annual safety belt use surveys; and development of timely and effective statewide data systems.

Formula

The Section 402 formula is:

- ◆ 75 percent based on the ratio of the State's population in the latest Federal census to the total population in all States.
- ◆ 25 percent based on the ratio of the public road miles in the State to the total public road miles in all States.

Section 157: Safety Incentive Grants For Use of Seat Belts

Program Purpose

Section 1403 of TEA-21 established a new program of incentive grants (under Section 157 of Chapter 1 of Title 23) to encourage States to increase seat belt use rates. A State may use these grant funds for any project eligible for assistance under Title 23.

Eligibility

A State is eligible for an incentive grant if:

- ◆ The State had a seat belt use rate greater than the national average for the two preceding calendar years.

If a State does not meet the criterion above, a State is eligible for an incentive grant if:

- ◆ The State's seat belt use rate in the previous calendar year was higher than the State's "base seat belt use rate." (The "base seat belt use rate" is defined as the State's highest use rate for any calendar year from 1996 through the calendar year preceding the previous calendar year.)

"State seat belt use rate" as defined in TEA-21 means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary; passenger motor vehicles include passenger cars, pickup trucks, vans and sport utility vehicles. For calendar years 1996 and 1997, the Department will weigh the State-submitted use rates to insure national consistency in methods of

measurement. For calendar years 1998 and beyond, State must establish their seat belt use rates in accordance with guidelines issued by the Secretary.

If there are any unallocated funds available in FY 1999, the excess amounts will be apportioned to the states for expenditure on the Surface Transportation Program (STP). If there are any unallocated funds available in FY 2000 through FY 2003, the Secretary is directed to allocate the funds to selected States to carry out innovative projects that promote increased seat belt use rates. States will be selected based on plans submitted to the Secretary. To the maximum extent practicable, the Secretary must ensure demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations. The Federal share of an innovative seat belt project funded under this section is 100 percent.

Section 163: Safety Incentives To Prevent Operation of Motor Vehicles by Intoxicated Persons

Program Purpose

Section 1404 of TEA-21 established a new program of incentive grants (under Section 163 of Chapter 1 of Title 23) to encourage States to establish .08 percent blood alcohol concentration (BAC) as the legal limit for drunk driving offenses. A State may use these grant funds for any project eligible for assistance under Title 23.

Eligibility

Any State that has in effect and is enforcing a .08 percent BAC law, before the end of the fiscal year, is eligible to receive incentive funds for that fiscal year. The law must provide that any person with a blood alcohol concentration of .08 percent or greater while operating a motor vehicle in the state shall be deemed to have committed a *per se* offense of driving while intoxicated (or an equivalent *per se* offense).

Formula

The Section 402 formula is:

- ◆ 75 percent based on the ratio of the State's population in the latest Federal census to the total population in all States.
- ◆ 25 percent based on the ratio of the public road miles in the State to the total public road miles in all States.

The apportionment to each State is no less than one-half of one percent.

Section 405: Occupant Protection Incentive Grants

Program Purpose

Section 2004 of SAFETEA-LU amended Section 405 (a) of Chapter 4 of Title 23 to encourage States to adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. A State may use these grant funds only to implement and enforce occupant protection programs.

Eligibility

A State is eligible for an incentive grant by adopting or demonstrating that it has implemented at least 4 of the following 6 criteria:

1. A Safety Belt Use Law applying to passengers in any seat in the vehicle.
2. A Safety Belt Law providing for primary enforcement.
3. Minimum fines or penalty points for seat belt and child safety seat use law violations.

4. A Statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity.
5. A Statewide Child Passenger Protection Program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.
6. A Child Passenger Protection Law that requires minors to be properly secured in a child safety seat or other appropriate restraint system.

No State may receive a grant under this section in more than six years beginning in FY 2004.

Section 406: Safety Belt Performance Grants

Program Purpose

Section 2005 of SAFETEA-LU establishes a new program of incentive grants (under Section 406 of Chapter 4 of Title 23) to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles. A State may use these grant funds for any safety purpose under this Title or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems. However, at least \$1 million of amounts received by States must be obligated for behavioral highway safety activities.

Eligibility

A State is eligible for an incentive grant if it did not have a conforming primary safety belt use law for all passenger motor vehicles in effect on or before December 31, 2002, and either:

- Enacts for the first time after December 31, 2002, and has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles; or,
- After December 31, 2005, has a State safety belt use rate of 85 percent or more for each of the 2 consecutive calendar years immediately preceding the fiscal year of the grant.

A State that meets either of the above two criteria will receive a one-time grant equal to 475 percent of the State's apportionment under Section 402 for fiscal year 2003. If a State does not meet either of the above two criteria, and if funds remain after grants have been awarded to all States that do meet either of the two criteria by July 1 each year, the State will qualify for a one-time grant equal to 200 percent of its apportionment under Section 402 for fiscal year 2003 if it has in effect, and is enforcing a conforming primary safety belt law for all passenger motor vehicles that was in effect before January 1, 2003.

Any grant funds that remain available on July 1, 2009, shall be allocated in accordance with the Section 402 formula among all states that, as of that date, have in effect and are enforcing conforming safety belt laws for all passenger motor vehicles.

Passenger motor vehicles include passenger cars, pickup trucks, vans, minivans, and sport utility vehicles with gross vehicle weight rating of less than 10,000 pounds.

Section 408: State Traffic Safety Information System Improvements Grants

Program Purpose

Section 2006 of SAFETEA-LU establishes a new program of incentive grants (under Section 408 of Chapter 4 of Title 23) to encourage States to adopt and implement effective programs to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of State data that is needed to identify priorities for national, State, and local highway and traffic safety programs; to evaluate the effectiveness of efforts to make such improvements; to link these State data systems, including traffic

records, with other data systems within the State; and to improve the compatibility of the State data system with national data systems and data systems of other States to enhance the ability to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. A State may use these grant funds only to implement such data improvement programs.

Eligibility

To qualify for a first-year grant, a State must demonstrate the following:

1. An established multi-disciplinary highway safety data and traffic records coordinating committee;
2. A developed multi-year safety data and traffic records strategic plan, approved by the coordinating committee and containing performance-based measures;
3. Certify that the State has adopted and is using the model data elements determined by the Secretary to be useful, or certify that grant funds will be used toward adopting and using the most elements practicable.

To qualify for a subsequent-year grant, a State must:

1. Certify that an assessment or audit of the State traffic records system has been conducted or updated within the preceding 5 years;
2. Certify that the coordinating committee continues to operate and supports the multi-year plan;
3. Specify how the grant funds and any other funds of the State will support the multi-year strategic plan;
4. Demonstrate measurable progress toward achieving the goals and objectives identified in the multi-year plan; and
5. Submit a report, showing measurable progress in the implementation of the multi-year plan.

No State may receive a grant under this section in more than four years.

The Federal share of programs funded this section shall not exceed 80 percent.

Section 410: Alcohol-Impaired Driving Countermeasures Incentive Grants

Program Purpose

Section 2007 of SAFETEA-LU amends the alcohol-impaired driving countermeasures incentive grant program (under Section 410 of Chapter 4 of Title 23) to encourage States to adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. A state may use these grant funds only to implement the impaired driving activities found in the Programmatic Criteria section below, as well as costs for high visibility enforcement; the costs of training and equipment for law enforcement; the costs of advertising and educational campaigns that publicize checkpoints, increase law enforcement efforts and target impaired drivers under 34 years of age; the costs of a State impaired operator information system, and the costs of vehicle and license plate impoundment.

Eligibility

Beginning in FY 2006, a State is eligible for an incentive grant by meeting the following criteria:

Low Fatality Rate Criteria

Demonstrating an alcohol-related fatality rate of 0.5 or less per 100,000,000 vehicle miles traveled as of the date of the grant, as determined by the most recent data available in the Fatality Analysis Reporting System (FARS)

OR by

Programmatic Criteria

Meeting 3 of the following program criteria for FY 2006, 4 criteria for FY 2007, and 5 criteria for FYs 2008 and 2009

1. A Statewide program to conduct a series of high visibility law enforcement campaigns using checkpoints and/or saturation patrols.
2. A State prosecution and adjudication outreach program that educates prosecutors and judges about the benefits of prosecuting and adjudicating repeat offenders.
3. A program to increase the rate of BAC testing of drivers involved in fatal crashes.
4. A law that imposes stronger sanctions or additional penalties for high-risk drivers whose BAC is 0.15 percent or more.
5. Effective alcohol rehabilitation for repeat offenders or a program to refer them to DWI Courts.
6. An effective strategy to prevent drivers under 21 from obtaining alcoholic beverages and for preventing others from making alcoholic beverages available to individuals under 21.
7. An administrative driver's license suspension or revocation program for individuals who drive under the influence of alcohol.
8. A program under which a significant portion of the fines or surcharges collected from individuals who are fined for driving while under the influence of alcohol are returned to communities so that comprehensive self-sustaining impaired driving prevention programs can be created.

High Fatality Rate Grants

An additional Section 410 grant is available to assist the 10 States with the highest-impaired driving related fatalities as determined by the most recent data available in FARS. At least one-half of the amounts allocated under the High Fatality Rate Grant Program may be used only for Sobriety Check Point and/or Saturation Patrol Programs.

Section 2010: Motorcyclist Safety Grants

Program Purpose

Section 2010 of SAFETEA-LU establishes a new program of incentive grants to encourage States to adopt and implement effective programs to reduce the number of single and multi-vehicle crashes involving motorcyclists. A State may use these grants funds only for motorcyclist safety training and motorcyclist awareness programs, including improvement of training curricula, delivery of training, recruitment or retention of motorcyclist safety instructors, and public awareness and outreach programs.

Eligibility

Beginning FY 2006, a State is eligible for an incentive grant by meeting one criterion in the first fiscal year in which a State receives a grant and two of the following six criteria in subsequent fiscal years:

1. An effective Motorcycle Rider Training Course offered statewide.
2. A statewide Motorcyclists Awareness Program to enhance motorists awareness of the presence of motorcyclists on or near roadway and safe driving practices that avoid injuries to motorcyclists.
3. A reduction of fatalities and crashes involving motorcycles in the preceding year.

4. A statewide Impaired Driving Program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.
5. A reduction of fatalities and accidents involving alcohol and drug impaired motorcyclists for the preceding year.
6. Use of all fees collected from motorcyclists for motorcycle training and safety programs.

Section 2011: Child Safety and Child Booster Seat Incentive Grants

Program Purpose

Section 2011 of SAFETY-LU establishes a new incentive grant program to make grants available to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirements prescribed under section 3 of Anton's Law. These grant funds may be used only for child safety seat and child restraint programs.

Eligibility

States are eligible to receive grants under this section by enacting and enforcing a law requiring any child passenger in a motor vehicle to be secured in a child restraint that meets the requirements prescribed under section 3 of Anton's Law.

A State receiving a grant under this section shall report to the Secretary on the manner in which the grant amounts were obligated and expended and identifying the specific programs carried out using the grant funds.

History of Traffic Safety Legislation in Hawaii

Negligent Homicide

Act 48 of 1964 amended Section 291-10 of the Revised Laws of Hawaii 1955, to treat negligent homicide due to gross negligence as a felony and negligent homicide due to simple negligence as a misdemeanor. Effective date: April 30, 1964.

Driving Under the Influence of Intoxicating Liquor

Act. 122 of 1965 amended Section 160-55, Revised Laws of Hawaii 1955, to make the revocation of an operator's license for driving under the influence of intoxicating liquor discretionary rather than mandatory, and added driving under the influence of narcotic drugs to the law. Effective date: June 16, 1965.

Driver Education

Act 42 of 1966 added a new section to law: "The grave problems created by our high motor vehicle accident and death rates make it imperative that immediate action be taken to reduce the needless loss of human life on the highways. It is deemed a matter of urgency that the department of education provide and administer a program of driver education to minors as one solution in order to preserve the health, safety and welfare of our citizens." Effective date: May 3, 1966.

Highway Safety

Act 214 of 1967 added a new chapter to Hawaii law establishing a Highway Safety Program. "Deaths of persons and injuries to them and damage to property with the other losses suffered on account of highway

traffic accidents are of grave concern to the State and its citizens as well as to the federal government. The legislature finds and declares that it is in the public interest that the State initiate, coordinate and accelerate every available means to decrease the fatalities, injuries, damages and losses resulting from highway traffic accidents.” The Act requires the Governor to coordinate the activities of the State and its counties; delegates the duties and functions to the state highway safety coordinator appointed by the Governor; establishes the State Highway Safety Council and County Traffic or Highway Safety Councils; establishes the vehicle inspection program; requires protective devices for motorcycles, motor scooters; establishes requirements for driver training schools and driver instructors; establishes motor vehicle operator and chauffeur licensing requirements.

Also establishes the Alcohol and Highway Safety requirements, including Implied Consent of drivers to submit to testing to determine alcoholic content of blood, revocation of the privilege to drive a motor vehicle upon refusal to submit to testing; the admissibility of refusal to take the test (is not admissible in civil or criminal proceedings). Also establishes the Uniform Traffic Records System.

This law was enacted to meet the requirements of The Highway Safety Act of 1966 passed by Congress and enacted into law on September 9, 1966. Effective date: June 4, 1967.

Highway Safety

Act 48 of 1968 amended the Highway Safety Act to conform with federal requirements. New sections were added regarding the establishment of a statewide traffic records system containing all traffic records of the violation bureaus of the district courts, the circuit courts, the police departments, the county treasurers, the department of health and the department of education. It also adds a new section prohibiting riders and passengers under seven years of age on motorcycles and motor scooters; and establishes the Medical Advisory Board. Effective date: June 27, 1969.

Driver Education Fee

Act 93 of 1971 allows the department of education to assess a fee for each student enrolling in the driver education program and requires that the fee go to the general fund. Effective date: May 24, 1971.

Evidence of Intoxication

Act. 74 of 1971 permitted the amount of alcohol in the defendant’s blood to be used as evidence of intoxication with the following presumptions: if the defendant was under .05 the defendant was not under the influence of intoxicating liquor at the time of the violation; if more than .05 and less than .10, such fact may be considered with other competent evidence in determining whether or not the defendant was at the time under the influence, but shall not of itself give rise to any presumption; and if more than .10 it shall be presumed that the defendant was under the influence of intoxicating liquor at the time of the alleged violation. Effective date: May 24, 1971.

Statewide Traffic Code

Act 150 of 1971 adds a new chapter was added establishing a Statewide Traffic Safety Code for Vehicular Accidents and Accident Reports and Rules of the Road. The chapter includes definitions, accidents and accident reports, obedience to and effect of traffic laws, traffic signs, signals and markings, passing on right side of roadway, overtaking and passing; use of roadway; right of way; pedestrians’ rights and duties; turning and starting and signals on stopping and turning; special stops required; speed restrictions; stopping, standing and parking; miscellaneous rules; operation of bicycles and play vehicles; special rules for motorcycles; penalty: respective powers of state and counties. Effective date: January 1, 1972.

Hearing Before a District Judge

Act 94 of 1973 amends Section 186-156 to determine the truth and correctness of an affidavit submitted to a district judge to be held within 20 days after the district judge has received the affidavit. The judge will determine if the arresting officer had reasonable grounds to believe that the person has been either driving or in actual physical control of a motor vehicle upon the highways while under the influence of intoxicating liquor; whether the person was lawfully arrested; whether the arresting officer had informed the person of the sanctions of section 286-155; and whether the person refused to submit to a test of his breath or blood. Effective date: May 15, 1973.

Administrative Control of Chemical Testing for Blood Alcohol

Act 139 of 1973 establishes a program for administrative testing for blood alcohol through the establishment of administrative rules by the department of health, and specifying the qualifications of personnel who administer the tests; procedures for specimen selection, collection, handling and analysis, and the manner of reporting and tabulating the results. Effective date: May 22, 1973.

Driver Education and Training Fund

Act 91 of 1974 establishes a fund for driver education and training by levying a penalty assessment on certain offenses relating to vehicles or their drivers or owners. This special fund will be administered by the administrative director of the courts for driver education and training programs administered by the judiciary department. The penalty assessment of \$1 shall be levied on conviction or forfeiture of bail for any offense involving a violation of a statute or county ordinance relating to vehicles or their drivers or owners, except offenses relating to stopping, standing or parking, registration or offenses by pedestrians. Effective date: May 31, 1974.

Point System for Traffic Violations

Act 139 of 1975 amends Section 286-128, HRS, established a point system for the evaluation of the operating records of all persons and to determine the continuing qualifications of such persons to operate motor vehicles. Effective date: May 27, 1975.

Reckless Driving or Reckless Riding of Animals

Act 149 of 1976 amends Section 291-1 so that whoever operates any vehicle or rides any animal with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving or reckless riding of an animal, as appropriate, and shall be fined not more than \$1,000 and imprisoned not more than one year or both. Effective date: May 27, 1976. In 1977, Act 162 amends this section to read: whoever operates any vehicle or rides any animal recklessly in disregard of the safety of persons or property is guilty of reckless driving of vehicle or reckless riding of an animal, as appropriate, and shall be fined not more than \$1,000 or imprisoned not more than one year or both. Effective date: June 2, 1977.

Implied Consent for Alcohol

Act 67 of 1981 amends Section 286-151 to read: Any person who operates a motor vehicle on the public highways of the state shall be deemed to have given consent, subject to this part, to a test approved by the director of transportation of the person's breath or blood for the purpose of determining the alcoholic consent of the person's blood; such person shall have the option to take a test of the person's breath or blood or both. The test or tests shall be administered at the request of a police officer having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle upon the public highways is under the influence of intoxicating liquor only after 1) a lawful arrest, and 2) the police officer has informed the person of the sanctions of section 286-155.

Section 286-155 was amended to read: If a person under arrest refuses to submit to a breath or blood test, none shall be given, except as provided in section 286- but the arresting officer, shall, as soon as practicable, submit an affidavit to a district judge of the circuit in which was arrest was made, and the

judge shall revoke the arrested person's license, permit or any nonresident operating privilege for a period of six months. A new section was added to 286: Nothing in this part shall be construed to prevent the police from obtaining a sample of breath or blood as evidence of intoxication from the driver of any vehicle involved in an accident resulting in injury to or death of any person. Effective: May 28, 1981.

Driver Education Fund

Act 66 of 1981 amended Section 294-35.5 to require the underwriter's fees be deposited into a special drivers' education fund, with 50% for the operation of the driver education program provided for by the Judiciary and 50% for operation of the department of education's driver education program, provided that all fees derived from motorcycles, motor scooters or similar vehicles shall be expended by the University of Hawaii community college employment training office for the operation of a driver education program for operators of motorcycles, motor scooters or similar vehicles. Effective date: May 28, 1981.

Evidence of Intoxication

Act 67 of 1981 amends Chapter 286, by adding a new section of 286: Nothing in this part shall be construed to prevent the police from obtaining a sample of breath or blood as evidence of intoxication from the driver of any vehicle involved in an accident resulting injury or death of any person. Effective date: May 28, 1981.

Consuming or Possessing Intoxicating Liquor While Operating a Motor Vehicle

Act 152 of 1981 adds three new sections to Chapter 291: Consuming or possessing intoxicating liquor while operating a motor vehicle; consuming or possessing intoxicating liquor while a passenger in a motor vehicle; and storage of an opened container containing intoxicating liquor. Effective: June 16, 1981.

Tax Credit for Child Passenger Restraint System

Act 134 of 1982 adds a new section to Chapter 235 providing a tax credit of \$25 to promote the purchase of child passenger restraint systems. Effective date: to taxable years beginning after December 31, 1981.

Driver Education Training Fund

Act 213 of 1982 increases the driver education training fund fee added to traffic violations to \$3. Effective: June 12, 1982.

Driving Under the Influence Penalties

Act 251 of 1982 amends Section 291-4 by adding a penalty section for a first offense not preceded within a four- year period by a conviction under this section; for offenses that occur within four years of a prior conviction; and for offenses which occur within four years of two prior convictions. This Act also amends Section 286-132 to increase the penalty for driving while license is suspended or revoked to not less than \$250 but not more \$1,000. Section 286-155 was amended to increase the penalty for revocation of license to one year for driving without a license. The Act provides that these are additional penalties and not substitutes for others provided by law. Effective date: June 15, 1982.

Driving Under the Influence of Intoxicating Liquor

Act 117 of 1983 amends Section 291-4 to read: A person commits the offense of driving under the influence of intoxicating liquor if: 2) the person operates or assumes actual physical control of the operation of any vehicle while under the influence of intoxicating liquor; or 2) the person operates or assumes actual physical control of the operation of any vehicle with 0.10 per cent or more, by weight of alcohol in the person's blood. A person committing the offense of driving under the influence of intoxicating liquor shall be sentenced without possibility of probation or suspension to sentence. Added to the sentencing provisions for a first offender are: Ninety days of prompt suspension of license with absolute prohibition from operating a motor vehicle during suspension of license; and any one or more of the following: 72 hours of community service, or 48 hours of imprisonment, or a fine not less than \$150

but not more than \$1,000. For a second offense within five years, prompt suspension of the license for a period of one year, and one of the following: not less than 10 days of community service work or not less than 48 hours of imprisonment, or a fine of not less than \$500 but not more than \$1,000 were added. For a third or subsequent offense the time in which the offense occurs was changed from four years to five years. Any conviction for driving under the influence of intoxicating liquor shall be considered a prior conviction.

Act 117 also amended Section 291-5, Evidence of Intoxication, to read: In any criminal prosecution for any violation of section 291-4, ten-hundredths per cent or more by weight of alcohol in the defendant's blood within three hours after the time of the alleged violation as shown by chemical analysis or other approved analytical techniques of the defendant's blood or breath shall be competent evidence that the defendant was under the influence of intoxicating liquor at the time of the alleged violation. Effective date: May 25, 1983.

Child Passenger Restraints

Act 282 of 1993 adds a new section to Chapter 291, requiring child passenger restraints for a child under four years of age, except for emergency, commercial, for hire, and mass transit vehicles and Type I school buses. Effective date: July 1, 1983.

Establishment of Police Intoxication Control Roadblock Programs

Act 115 of 1984 authorizes the police departments of each county to establish intoxication control roadblock programs and to provide guidelines to impose standards of reasonableness upon the exercise of discretion in the implementation of these programs. Two new sections are added to Section 286 to accomplish this. Effective date: May 18, 1984.

Intoxicating Liquor Law Signs

Act 143 of 1984 amends Section 281-44 to require that all licensed premises shall post a sign in or out about the premises containing and notifying all customers and other persons of the penalties of driving under the influence of intoxicating liquor under section 291-4. The sign shall be conspicuously positioned in order to be seen by an ordinarily observant person. Effective date: May 24, 1984.

DUI Penalties & Alcohol Assessment

Act 193 of 1984 amends the penalties in section 291-4 for a first offense from a 90-day prompt suspension of license with an absolute prohibition from operating a motor vehicle during suspension of license to 30 days and a 60-day restricted, provisional or conditional license to be ordered by the court. For a second offense within five years, the suspension is for one year with the absolute prohibition from operating a motor vehicle during suspension of license. The Act also adds: Whenever a court sentences a person pursuant to section 291-4(b)(2) or (3) it shall also require that the offender be referred to a substance abuse counselor who has been certified pursuant to section 321-193 for an assessment of the offender's alcohol dependence and the need for treatment. The counselor shall submit a report with recommendations to the court. The court may require the offender to obtain appropriate treatment. All costs for such assessment or treatment or both shall be borne by the offender. Effective date: December 31, 1984.

Driving Under the Influence

Act 86 of 1985 amends Section 291-4 as follows for a first offense within a five-year period: Increases prompt license suspension from 30 days to 90 days with absolute prohibition from operating a motor vehicle during suspension of license. It eliminates the 60 day restricted, provisional or conditional license. Allows the court to impose, in lieu of the 90-day prompt suspension of license, a minimum 30 day prompt suspension with absolute prohibition for the remainder of the 90 day period, a restriction on

the license that allows the person to drive for limited work-related purposes and to participate in alcoholism treatment programs. Effective date: May 10, 1985.

Refusal to Submit to a Breath or Blood Test

Act 90 of 1985 amends Section 286-155 to allow a judge to revoke the arrested person's license, permit or any non resident operating privilege as follows: 1) for a first revocation, or any revocation not preceded within a five- year period by a revocation under this section, for a period of 12 months; and 2) for any subsequent revocation under this section, for a period not less than two years and not more than five years. Whenever a court penalizes a person under this section, it shall always require that the person be referred to a substance abuse counselor who has been certified pursuant to section 321-193 for an assessment of the person's alcohol dependence and the need for treatment. The counselor shall submit a report with recommendations to the court. The court may require the person to obtain appropriate treatment. All costs for such assessment or treatment or both should be borne by the penalized person. Effective date: May 10, 1985.

Driving While License Suspended

Act 258 of 1985 adds a new section to Section 291 regarding driving after license suspended or revoked for driving under the influence of intoxicating liquor. Any person convicted under this section shall be sentenced to a term of imprisonment of at least three consecutive days but not more than 30 days, shall be fined not less than \$250 and not more than \$1,000 and that person's driver's license shall be suspended or revoked for an additional period of one year. The court for good cause may extend imprisonment up to 60 days. The period of suspension or revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section.

Section 286-104 is amended to order the examiner of drivers to not issue any license until the expiration of one year after the date of the revocation or until the expiration of the period of revocation specified by law. Effective date: June 5, 1985.

Mandatory Use of Seat Belts

Act 235 of 1985 adds a new section mandating use of seat belts. No person shall operate a motor vehicle unless the person is restrained by a seat belt assembly and any passenger in the front seat of the motor vehicle are restrained by a seat belt assembly if between the ages of 4 and 15 or are restrained pursuant to section 291-11.5 if under the age of four; or if 15 years of age or more shall be a passenger in the front seat of a motor vehicle being operated upon any public highway unless such person is restrained by a seat belt assembly. Exempts passengers in emergency, commercial, for hire and mass transit vehicles and Type I school buses. Any person who failed to comply with the requirements shall be guilty and subject to a fine of \$15 for each violation. Effective Date: December 16, 1985.

Open Container Law

Act 171 of 1986 amends several subsections of Section 291. Section 291-1 broadens the definition of "Intoxicating Liquor" to mean the same as defined in Section 281-1. "Public street, road, or highway" includes the entire width, including beam and shoulder, of every road, alley, street, way, lane, trail, highway, bikeway, bridge, when any part thereof is open for use by the public, including any bicycle lane, bicycle path, bikeway, controlled access highway, lane roadway, roadway, or street, as defined in section 291C-1, and any public highway as defined in section 264-1. Section 291-3.5 is amended to prohibit consumption of alcohol at scenic lookouts. Effective date: May 17, 1986.

Relating to Blood Test

Act 196 of 1986 adds a new section to Chapter 663 providing immunity from liability for authorized persons withdrawing blood at direction of a police officer to determine blood alcohol content. This Act also amends Sections 286-152 and 286-153 to authorize a person licensed in a clinical laboratory

occupation under section 321-13 to withdraw blood for the purpose of determining the alcoholic content therein. Effective date: May 19, 1986.

Assessment and Treatment

Act 198 of 1986 amends Section 291-4 to add alcohol abuse to alcohol dependence when a court sentences a person and requires referral to a substance abuse counselor. Effective: May 19, 1986.

Implied Consent

Act 221 of 1986 amends Section 286-151 by adding a section that reads: If there are reasonable grounds to believe that a person is in violation of section 291-4, then such person shall have the option to take a breath or blood test, or both, for the purpose of determining the alcohol content of that person's blood. In this Act, Section 291-7 amends driving under the influence of drugs by deleting the existing language and adding language that reads: A person commits the offense of driving under the influence of drugs if the person operates or assumes actual physical control of the operation of any vehicle while under the influence of any drug which impairs such person's ability to operate the vehicle in a careful and prudent manner. The term "drug" as used in this section shall mean any controlled substance as defined and enumerated on schedules I through IV of chapter 329. Penalties for violation of this section are also imposed. Notwithstanding any other law to the contrary, any conviction for driving under the influence of drugs shall be considered a prior conviction. It also requires alcohol assessment and treatment at the offender's expense. Effective date: May 27, 1986.

Seat Belt Exemption for Taxi Drivers

Act 238 amends Section 291-11.6 to exempt drivers of taxicabs or other motor vehicles utilized in performing a bona fide metered taxicab service which is regulated under chapter 269 or by county ordinance and is carrying passengers in the vehicle in the course of performing taxicab services, from wearing a seat belt. Effective date: May 28, 1986.

Minimum Drinking Age

Act 342 of 1986 raises the minimum drinking age to 21 to comply with Public Law 98-363 in which Hawaii will lose 5% of its federal highway funds if it does not have a drinking age requirement of 21 by October 1, 1986, and 10% of its highway funds if it does not meet this requirement by October 1, 1987. Section 281-1 amends the definition of "minor" and "public place" to mean any person below the age of 21, and public place to mean publicly owned property or privately owned property open for public use or to which the public invited for entertainment or business purposes. Effective date: October 1, 1986 and shall be repealed on September 30, 1991.

Consuming or Possessing Intoxicating Liquor While Operating a Motor Vehicle or Moped

Act 33 of 1987 amends sections 291-3.1, 291-3.2 and 291-3.3 of HRS as follows: No person shall consume, operate or possess, while operating a motor vehicle or moped upon any public street, road or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed. Effective date: May 11, 1987.

Stopping for School Buses

Act 237 of 1987 amends Section 291C-95 as follows: Whenever a school bus is stopped on a highway with its visual signals as described in subsection (g) of this section actuated, the driver of any motor vehicle on the same highway in the lane occupied by the school bus and the lane immediately adjacent to the lane occupied by the school bus, regardless of direction of traffic in that lane, shall stop the driver's vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the visual signals are turned off. Effective date: September 1, 1987.

Alcohol Blood Tests

Act 39 of 1988 amends Section 286-151 by transferring the responsibility for approving tests to determine breath or blood alcohol content from the director of transportation to the director of health. Effective date: May 10, 1988.

Child Passenger Restraints

Act 30 of 1989 adds a new subsection to Section 291-11.5 that defines emergency vehicle, mass transit vehicle and seat belt assembly to have the same meaning as provided in Section 291-11.6, and commercial vehicle shall be defined as any motor vehicle that is being used for the transportation of persons for hire, compensation or profit. Effective date: April 24, 1989.

Cost of Blood Tests

Act 128 of 1989 adds a new subsection to Section 291-4 that reads: Any person sentenced under the provisions of this part may be ordered to make restitution to the county for the actual cost incurred in conducting any blood tests under the provisions of section 286-152. The court may order the person to make restitution in a lump sum, or in a series of prorated installments, to the police department or other agency incurring the expense of the blood test. Effective date: June 7, 1989.

Pickup Truck Passenger Restrictions

Act 167 of 1989 adds a new section to Chapter 291, HRS, reading: No person shall stand in the bed or load-carrying area of any motor vehicle commonly known as a pickup truck while the vehicle is in operation. No operator of any pickup truck shall operate the vehicle with a passenger seated in the bed or load-carrying area of the vehicles unless: 1) there is no seating available in the cab of the vehicle; 2) the side racks of the vehicle are securely attached and the tailboard or tailgate is securely closed; 3) every passenger in the bed or load-carrying area of the vehicle is seated on the floor and does not attempt to control unlashed cargo. This section does not apply to persons or corporations operating a business or businesses that serve the public. It sets a fine of \$25 for each violation. Effective date: June 7, 1989.

Notice of Traffic Safety Laws in Rental Vehicles

Act 154 of 1990 adds a new section to Section 437D-13, HRS, that requires: The existence and location of additional information concerning the laws relating to seat belts, child passenger restraints, and driving while under the influence of intoxicating liquor in each rental motor vehicle offered to the public. The requirements and penalties of Hawaii's seat belt laws and child passenger restraint laws, as provided in sections 291-11.5 and 291-11.6 and the prohibition against and penalties for driving while under the influence of intoxicating liquor, as provided in section 291-4 shall be printed on a card which shall be placed in the glove compartment of every rental motor vehicle offered to the public. Effective date: June 15, 1990.

Seat Belts

Act 218 of 1990 eliminates the requirement that motor vehicle insurers provide a reduction of premium charges for no-fault benefits for motor vehicles equipped with seat belts, since virtually all vehicles are so equipped. Effective date: June 25, 1990.

Administrative Revocation of Driver's Licenses

Act 188 of 1990 establishes a new section in Chapter 286, titled Administrative Revocation of Driver's Licenses. The Act 1) provides safety for all persons using the highways of this state by quickly revoking the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies or who have refused to submit to testing for the presence of alcohol in their bodies, and 2) guards against the potential for an erroneous deprivation of the driving privilege by providing an opportunity for an administrative hearing which shall commence prior to the effective date of the revocation and an opportunity for judicial review after the revocation becomes

effective; 3) prevents any re-licensing of a person following the revocation period until the person has applied for and met the requirements for issuance of a new license; and 4) provide under certain circumstances that a person adjudicated for driving under the influence of intoxicating liquor attach an ignition interlock system to the person's car to prevent the person from driving while under the influence. Effective date: July 1, 1990.

Administrative License Revocation

Act 1 of Special Session 1991, amends the flaws in Chapter 286 relating to Administrative License Revocation so that it can be implemented. Effective date: some sections are effective on August 1, 1991 and some retroactively to July 1, 1990.

Commercial Driver Licensing

Act 320 of 1989 adds a new part on Commercial Driver Licensing to Section 286 that prohibits commercial drivers from operating with any alcohol in their body. The Act also provides that any driver who has an alcohol concentration of 0.01 per cent through 0.03 percent by weight or who refuses to take a test as provided shall be issued an out-of-service order. Upon receipt of the affidavit of a law enforcement officer submitted under subsection (d), the district judge shall hold a hearing as provided in section 286-156 and shall determine whether the statements in the affidavit are true, and correct. If the judge finds they are true, the judge may disqualify the driver from driving a commercial motor vehicle. Effective date: January 1, 1991.

Minimum Drinking Age

Act 206 of 1991 extends the minimum drinking age of 21 by one year until September 30, 1992, and directs the director of transportation to report back to the Legislature on the effectiveness of Act 342, 1986, and that include, but not be limited to, information and recommendations relating to the extent to which Act 342, 1986, has reduced accidents, injuries and fatalities caused by driving under the influence of intoxicating liquor, and the extent to which compliance has been achieved with Act 342, 1986. Effective date: May 28, 1991.

Alcohol and Aviation Safety

Act 274 of 1991 amends Title 15, HRS, by adding a new chapter designated as Chapter 263A which establishes implied consent of operators of aircraft to submit to testing to determine alcoholic content of blood. Effective date: June 17, 1991.

Administrative License Revocation

Act 300 of 1991, appropriates funds from the General Fund to implement the provisions of Act 188, 1990, and directs that all employees shall be hired without regard to chapter 76. Effective date: July 1, 1991.

Minimum Drinking Age

Act 207, 1992 permanently raised the minimum drinking age to 21. Effective date: June 12, 1992.

Evidence of BAC

Act 222 of 1992 amends Section 291-5, subsection c: Nothing in this section shall be construed as limiting the introduction in any criminal proceeding for a violation under section 291-4 or in any proceeding under part XIV of Chapter 286 of relevant evidence of a person's blood alcohol concentration obtained more than three hours after an alleged violation, provided that the evidence is offered in compliance with the Hawaii rules of evidence. Effective date: June 12, 1992.

Traffic Safety Education

Act 254 of 1992 adds a new section to Chapter 299: The Department of Education may establish and administer a traffic safety education program at each public school for students, K-12. Established a traffic education specialist to be paid out of fees allocated to department from special driver education fund. Effective date: June 18, 1992.

Trial by Jury

Act 253 of 1992 amends Section 604-8 to specify that trial by jury for violations under Section 291-4 may be heard in district courts. Effective date: June 18, 1992.

Right to Jury Trial

The purpose of Act 128 of 1993 is to reduce the penalties for first time offenders so that there can be no question that, as to first time offenders, the offense is a “petty offense” in the constitutional sense, to which no right to jury trial attaches. The Legislature finds that those offenders who are convicted repeatedly of driving under the influence of intoxicating liquor represent a serious social problem. They have been unwilling to modify their behavior and represent a continuing dangerous presence on the roadways. First time offenders, however, represent less of a threat to society, as most will respond to corrective action. The amended penalty provisions for first time offenders shall be retroactive for all pending first time offense cases for driving under the influence of intoxicating liquor. It is the intent of the Legislature that the reduced penalties provided for in the Act apply to all pending first offense cases. The legislature further intends that by making the reduced penalties provided for in this Act retroactive to pending cases, it is made clear that such first offenders are not entitled to a jury trial, as the offense is a “petty offense” in the constitutional sense. Section 291-4 is amended by adding a new subsection: No license suspension or revocation shall be imposed pursuant to this subsection if the person’s license has previously been administratively revoked pursuant to part XIV or Chapter 286 for the same offense; provided that, if the administrative revocation is subsequently reversed, the person’s license shall be suspended or revoked as provided in this subsection. Effective date: May 21, 1993 and is retroactive for all pending first-offense cases for driving under the influence of intoxicating liquor.

Driving Under the Influence

Act 242 of 1993 amends Section 291-4 to read: A person commits the offense of driving under the influence of intoxicating liquor if the person operates or assumes actual physical control of the operation of any vehicle with .10 grams of alcohol per one hundred milliliters or cubic centimeters of blood or .10 or more grams of alcohol per two hundred ten liters of breath. Effective date: June 18, 1993.

Commercial Motor Vehicle Operators

Act 268 of 1993 amends Section 286-243 to further define the consequences if a commercial driver refuses an alcohol test requested by a law enforcement officer. Effective date: June 18, 1993.

Point Assessments

Act 286-128 amends Section 286-128 to eliminate point assessments for decriminalized offenses. Effective date: June 7, 1994.

Operating a Vessel Under the Influence of Intoxicating Liquor

Act 165 amends Chapter 200 by adding a new part Alcohol and Boating Safety. This part applies only to recreational vessels in the waters of the State. The offense parallels the offense and penalties for Section 291-4 for motor vehicles, but requires the loss of the privilege of operating a vessel during the suspension period. Effective date: June 14, 1995.

Mandatory Testing in Collisions Resulting in Death

Act 197 of 1995 amends Section 286-163 to read: in the event of a collision resulting in injury or death, and the police have probable cause to believe that a person in the incident has committed a violation of 707-702.5, 707- 703, 707-704, 707-706, 291-4 or 291-7, the police shall request that a sample of blood be recovered from the driver or any other person suspected of committing a violation of these sections. The police shall make this request to the hospital or medical facility treating the person from whom the police request that the blood be recovered. Upon the request of the police that blood be recovered pursuant to this section, and except where the responsible attending personnel at the hospital or medical facility determines in good faith that recovering or attempting to recover blood from the person represents an imminent threat to the health of the medical personnel or others, the hospital or medical facility shall provide the police with the blood sample requested, recover the sample in compliance with section 321-161, and assign a person authorized under section 286-152 to withdraw the blood sample. Any person complying with a request to withdraw blood under the direction of a police officer pursuant to this section shall be exempt from liability pursuant to section 663-1.9 as a result thereof. Effective date: June 19, 1995.

Habitually Driving Under the Influence of Intoxicating Liquor or Drugs & .08 BAC

Act 226 of 1995 amends Chapter 291 by adding a new section designated Habitually driving under the influence of intoxicating liquor or drugs. This section creates a Class C felony offense for a person who commits the offense of habitually driving under the influence of intoxicating liquor or drugs, if, during a 10-year period the person has been convicted three or more times for a driving under the influence offense.

This Act also amends Sections 286-256, 286-257, 286-258, 286-259, 291-4 replacing the alcohol concentration of .10 to .08; amends section 291-4 by amending the penalties for a second offense within five years to not more than 14 days of imprisonment and 200 hours of community service, or a fine of \$1,500. For a third offense amends penalties to not more than 30 days imprisonment, \$2,500 fine.

This Act also adds a subsection to 291-4: The requirement to provide proof of financial responsibility pursuant to section 187-20 shall not be based upon a revocation under part XIV of chapter 286 unless the person's license has been previously revoked under that part in the five-year period immediately preceding the revocation at issue, nor shall the requirement to provide proof of financial responsibility pursuant to section 287-20 be based upon a sentence imposed under subsection (b)(1). This Act also deletes the definition of "ignition interlock system" in Section 286-251, HRS. Effective date: June 29, 1995.

Persons Qualified to Take Blood Specimens

Act 105 of 1996 amends Section 286-152 to list phlebotomists deemed qualified by the director of a clinical laboratory that is licensed by the State, to take blood specimens for determining the alcohol content. Effective: June 12, 1996.

Health Provider Reporting

Act 100 of 1997 adds a new subsection to section 286-163: If a health care provider who is providing medical care in a health care facility to any person involved in a motor vehicle accident, becomes aware, as a result of any blood test performed in the course of medical treatment, that the alcohol content in the person's blood meets or exceeds the amount specified in section 291-4 and has a reasonable belief that person was the driver of a motor vehicle involved in the accident, the health care provider shall notify, as soon as reasonably possible, any law enforcement officer present at the health care facility to investigate the accident or, if no such officer is present, the county police department in the county where the accident occurred. Where the health care provider is aware of any blood test result as provided in the preceding sentence, but lacks information to form a reasonable belief as to the identity of the driver

involved in a motor vehicle accident, then the health care provider shall give notice as provided in the preceding sentence for all persons involved in a motor vehicle accident whose alcohol content in the person's blood meets or exceeds the amount specified in section 291-4. The notice by the health care provider shall consist of the name of the person being treated, the blood alcohol level disclosed by the test, and the date and time of the administration of the test. Such notice shall be deemed to satisfy the intoxication element necessary to establish the probable cause requirement set forth in subsection (c). Any health care provider, who in good faith in compliance with section 286-163 proves notice concerning the alcohol content of a person's blood shall be immune from all civil liability in any action based upon the compliance. The health care provider shall also be immune from any civil liability for participating in any subsequent judicial proceeding relating to the person's compliance. Effective date: June 7, 1997.

Zero Tolerance

Act 102 of 1997 creates a new section in Chapter 291 establishing a Zero Tolerance alcohol level for persons under the age of 21 operating a motor vehicle. For a first offense, if the person is under 18, the person and their parent's or guardian, must attend an alcohol abuse education and counseling program for not more than 10 hours; receive a 180 day prompt suspension of license with absolute prohibition from operating a motor vehicle during the suspension of license, or in the case of a person 18 years of age or older, the court may impose, in lieu of the 180 day prompt suspension of license, a minimum 30 day prompt suspension of license with absolute prohibition from operating a motor vehicle and for the remainder of the 180 day period, a restriction on the license that allows the person to drive for limited work-related purposes and to participate in alcohol abuse education and treatment programs. In addition, the court may impose one or more/not more than 36 hours of community service work or a fine of not less than \$150 but not more than \$500. Additional penalties are imposed on a person who violates this section within five years of a prior law enforcement contact; and within five years of two prior alcohol enforcement contacts. Also requires that when a court sentences a person under this chapter, that it also shall require that the person be referred to a substance abuse counselor for an assessment of the person's alcohol abuse or dependence and the need for appropriate treatment. A person convicted under this section of a first-time violation, who had no prior alcohol enforcement contacts, may apply to the court for an expungement order upon attaining the age of 21, and has fulfilled the terms of the sentence imposed by the court and has had no subsequent alcohol or drug-related enforcement contacts. The requirement to provide proof of financial responsibility pursuant to section 287-20 shall not be based upon a sentence under subsection (b)(1). Effective date: December 1, 1997.

Implied Consent for Drugs

Act 103 of 1997 amends Chapter 286, HRS, to adding six new sections to part VII regarding: Revocation of privilege to drive a motor vehicle upon refusal to submit to drug testing; Hearing before a district judge; Appeal to Supreme Court; Interpretation of drug tests, competent evidence; Proof of refusal of drug testing, admissibility; and presence of drugs or metabolic products admissibility.

This Act also amends various sections of Section 286-151, 286-152, 286-153 to add drug content to alcohol concentration. It also establishes that if there is probable cause to believe that a person is in violation of section 291-7, that the person shall have the option of taking a blood or urine test, or both, for the purpose of determining drug content. Drug content shall be measured by the presence of any scheduled drug as provided in section 291-7 or its metabolic products or both. The person shall be informed of the sanctions of section 286-A for failure to take either test. A person who chooses to submit to a breath test, may be requested to submit to a blood or urine test, if the officer has probable cause to believe that the person was driving under the influence of any drug under section 290-7 or the combined influence of alcohol and drugs and the officer has probable cause to believe that a blood or urine test will reveal evidence of the person being under the influence of drugs. Effective date: January 1, 1998.

Driver Licensing

Act 104 amends Section 286-108 by adding a new subsection: Except as provided in subsection (c) the examiner of drivers shall not examine any applicant for a driver's license who is 15 through 17 years of age unless the applicant holds a valid instruction permit under section 286-110 for a period of no fewer than 90 days. Section 286-110 is also amended to include that the holder of a temporary instruction permit shall be accompanied by a person who is 18 years of age or older and licensed to operate the category of motor vehicle in which the vehicle which is being operated belongs. Effective date: January 1, 1998.

Pick Up Trucks

Act 105 of 1997 amends Section 291-14 by adding a new section: No operator of any pickup truck may operate the vehicle with any passenger 12 years of age or under in the bed or load-carrying area of the vehicle unless one of the following applies: 1) an emergency exists that threatens the life of the passenger being transported in the bed or load-carrying area of the vehicle, or 2) the vehicle is being operated in parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law. The fine for violation of this section is \$50 for each separate violation. Effective date: January 1, 1998.

Implied Consent for Drugs

Act 103 of 1997 amends Chapter 286 by adding six new sections to part VII: Revocation of privilege to drive a motor vehicle upon refusal to submit to drug testing; Hearing before a district judge; Appeal to the Supreme Court; Interpretation of drug tests, competent evidence; Proof of refusal of drug testing, admissibility; Presence of drugs or metabolic products, admissibility.

Also amends Section 286-151 to add drug content to implied consent, and describes how drug content shall be measured and probable cause for arrest. Section 286-152 was amended to add drug content and urine specimens. Section 286-153 was amended to allow the arrestee to choose a qualified person to administer additional tests. Section 286-162.5 was amended to authorize the police to establish drug control roadblock programs. Section 286-163 was amended to require mandatory testing for drugs in the event of a collision resulting injury or death. Section 321-161 requires the department of health to administer a statewide program relating to chemical testing of drug content for the purposes of chapters 286, 291 and 291C. The Act does not affect the rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date. Effective: January 1, 1998.

Administrative Revocation of Driver's License

Act 84 of 1998 amends sections 286-251, 286-253, 286-254, 286-255, 286-257 to add section 291-4.4. Effective date: May 26, 1998.

Sentencing

Act 287 of 1998 amends Section 291-2 (Reckless driving of vehicle or riding of animals; penalty) to lower the penalty for imprisonment to 30 days; amends Section 291-3.1 (Consuming or possessing intoxicating liquor while operating motor vehicle or moped) to read that any person violating his section shall be fined not more than \$2,000 or imprisoned not more than 30 days, or both; and amends Section 291-12 (inattention to driving) to lower the jail time to not more than 30 days. Effective date: July 20, 1998.

Child Passenger Restraints

Act 81 of 1998 amends Section 291-11.5 to require that first time violators of the child passenger restraint law be required by the court to attend a child passenger restraint system safety class conducted by the division of driver education, pay a \$50 driver education assessment; and be fined not more than \$100. For convictions of a second offense, violators shall be fined not more than \$200, be required to attend a child passenger restraint system safety class and pay a \$50 driver education assessment if the person has

not previously attended such a class. For a conviction of a third or subsequent offense, the person shall be fined not more than \$500, be required by the court to attend a child passenger restraint class and pay a \$50 driver education assessment if the person has not previously attended such a class. Effective date: May 20, 1998.

Overtaking & Passing School Buses

Act 265 of 1998 amends Section 291C-95 by requiring the driver of any motor vehicle on the same highway or road in a residential area in the lane occupied by a school bus and all lanes adjacent to the lane occupied by the school bus, regardless of the direction of traffic those lanes, to stop the driver's vehicle not less than 20 feet from the school and not proceed until the school bus resumes motion and the visual signals are turned off. This does not apply where a highway or road in a resident area has been divided into two or more lanes by an intervening space, a physical barrier or a clearly indicated driving section. In such cases, this law will only apply to drivers of motor vehicles on the same side a school bus which is topped with visual signals actuated by required under subsection (c). Effective date: July 20, 1998.

Child Endangerment

Act 78 of 1999 amends Section 291-4 by adding a new subsection: Any person eighteen years of age or older, who is convicted under this section and who operated or assumed actual physical control of a vehicle with a passenger, in or on the vehicle, who was younger than 15 years of age, shall be sentenced to an additional mandatory fine of \$500, and an additional mandatory term of imprisonment of 48 hours provided, however, that the total term of imprisonment for a person convicted under this section shall not exceed 30 days. Effective date: June 21, 1999.

Child Passenger Safety

Act 56 of 1999, amends Section 291-11.5 to reflect the National Traffic Safety Administration's recommendations for child passenger restraint law. Except as otherwise provided in this section, no person operating a motor vehicle on a public highway in the State shall transport a child under four years of age unless the person operating the motor vehicle ensures that the child is properly restrained in a child passenger restraint system approved by the U.S. Department of Transportation at the time of its manufacture. Effective date: July 1, 1999.

Police Roadblocks

Act 183 of 1999 amends Section 286-162.5 as: In the case of internal police procedures that do not fall within the definition of "rule" under section 91-1(4), failure to comply scrupulously with such internal police procedures shall not invalidate a roadblock that otherwise meets the minimum statutory criteria provided in section 286- 162.6. Effective date: July 2, 1999.

Open Container Law

Act 62 of 2000 amends Section 291-3.1 and 3.2 removing the trailer exemption from prohibitions relating to passengers or consumption of intoxicating liquors in motor vehicles. Conforms Hawaii's open container law to TEA 21 Section 154 requirements. Effective date: April 27, 2000.

Photo Enforcement of Speeding, Red Light Running

Act 240 amends Sections 286-45 and 286-172, 291C-165 and 291C-223, Acts 234, SLH 1998 and Act 244, SLH 1999 by extending the length of the three-year photo red light imaging and photo speed imaging detector demonstration project for two more years. Allows the use of photo technology systems to identify drivers in violation of designated uses of high occupancy vehicle lanes. Authorizes the department of transportation to retain and pay contractors for the project. Establishes the traffic enforcement demonstration project. Appropriates funds. Makes other housekeeping changes. Effective date: June xx, 2000.

DUI Drugs, DUI Consolidation, Repeat Offenders

Act 189 creates a new DUI chapter. Part 1 reduces jail time for DUI drugs. Part 2 provides for revocation of motor vehicle registration for repeat intoxicated drivers under the administrative revocation of driver's licenses proceedings as required by Section 164 of TEA 21. Part 3 amends driving impaired statutes to consolidate and conform offenses relating to operating a vehicle while using an intoxicant. Part 1 is effective on June 8, 2000. Part 2 is effective September 30, 2000. Part 3 is effective on January 1, 2002.

Speeding in Work Zones

Act 293 amends section 291C by establishing fines for motorists who are convicted of driving their motor vehicles at speeds greater than the maximum speed limits established for construction areas. Effective date: July 3, 2000.

Raises Fines, Mandates Use of Seat Belts in the Back Seat

Act 294 amends section 291-11.6 by increasing fines from \$20 to \$45 for each violation of mandatory seat belt use; requires backseat passengers between the ages of four and seventeen to use seat belts. Known as the Tanya Act. Effective date: July 3, 2000.

Habitual Driving, Preliminary Alcohol Screening Devices

Act 296 amends section 286-151 by adding habitual driving offense to implied consent law. Defines a preliminary alcohol screening device and clarifies that its use is not a substitute for a test under the implied consent law. Effective date: July 3, 2000.

Mandatory Driver Education

Act 175 of 1999 amends Section 286-108 to require that a person under the age of 18 shall provide proof that the applicant has completed a driver's education program and a behind-the-wheel driver training course certified by the director of transportation before receiving a driving license. This Act also increases the age to be eligible for an instruction permit to 15 years and six months, and a driver's license to 16 years. Effective date: January 1, 2001.

Bicycle Helmets

Act 255 amends section 291C by requiring bicycle riders under 16 to wear a bicycle helmet. Effective date: January 1, 2001.

Speeding in School Zones

Act 138 of 2000 amends section 291C-104 by establishing fines for motorists who are convicted of driving their motor vehicles at speeds greater than the maximum speed limits established in school zones. Effective date: May 24, 2001.

Driving Involving Alcohol, Drugs and Boating

Act 157 of 2000 amends Part 3 of Act 189 by consolidating all existing provisions relating to driving under the influence of intoxicating liquor or drugs and boating under the influence of intoxicating liquor into a new chapter, 291E, that provides for both administrative license revocation proceedings and penal sanctions for a single offense relating to operating a vehicle under the influence of an intoxicant. Effective date: January 1, 2002.

Traffic Enforcement

Act 58 repeals photo traffic enforcement law and related amendments to Hawaii Revised Statutes. Effective date: May 1, 2002

Drivers Education Fund Underwriters Fees

Act 121 transfers the drivers education underwriters fee for motorcycles and motor scooters from the University of Hawaii community colleges to the Department of Transportation. Creates motorcycle and motor scooter operators education fund. Effective date: July 1, 2002

Drivers Education Fund Underwriters Fee

Act 242 raises the driver education fund underwriters fee from \$2 to \$3 a year on each motor vehicle; allocates \$1 of the fee to the judiciary program and \$2 to the department of education programs. Effective date: July 1, 2002

Racing on Highways

Act 261 creates penalties for excessive speed while racing on highways. Effective date: July 5, 2002

Chapter 291E

Act 71 establishes a status offense of habitually operating a vehicle while under the influence of an intoxicant. Adds certain offenses committed as a minor as “prior” offenses. Effective date: January 1, 2004.

Use of Intoxicants

Act 72 allows police to conduct breath, blood, or urine tests on persons involved in a motor vehicle accident who are not injured or refuse treatment for injury upon probable cause of intoxication. Effective date: January 1, 2004.

Driver Licensing; Provisional Licenses; Persons Under 18

Act 72 establishes a 3-stage graduated provisional driver licensing program for persons under the age of 18. Sunsets program in five years. Requires the DOT and DOH to conduct an annual review of relevant data to determine the effectiveness of the program in reducing traffic fatalities and accidents in the State. Effective date: January 9, 2006

Traffic Offenses; Pedestrian in Crosswalks

Act 73 repeals the penalties provided in sections 291C-13 and 291C-18, HRS, for violation of those sections because penalties are already provided under section 291C-161, HRS. Clarifies that the driver of vehicle approaching a marked crosswalk shall stop and yield the right of way to allow pedestrians to cross, regardless of whether traffic-control signals are in place or in operation. Effective date: May 25, 2005

Traffic Offenses; Penalties

Act 74 limits the time in which a prior conviction may be the basis for enhanced penalties for subsequent offenses as follows: Three years for offenses involving child restraints; one year for offenses involving violations relating to motor vehicle lights; and five years for offenses for motor vehicle alarms violations. Effective date: May 25, 2005

Use of Intoxicants; Forfeiture of Vehicle

Act 194 permits the forfeiture of a vehicle for a conviction of operating a vehicle under the influence of an intoxicant within 5 years of 2 prior convictions or a conviction for habitually operating a vehicle under the influence of an intoxicant, if vehicle is owned and operated by the driver. Requires the department of transportation to be responsible for the storage of forfeited vehicles. Effective date: July 5, 2005